

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

UNITED STATES OF AMERICA

VS.

JERRY JEROME ANDERSON

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CASE NO. 5:90-CR-3 (WDO)

**ORDER**

Before the Court is petitioner **JERRY JEROME ANDERSON'S** notice of appeal (R. at 361) from the Court's July 18, 2006 Order, which denied his motion to modify his sentence based on Amendment 505 to the Sentencing Guidelines.

To any extent that petitioner's notice of appeal must be construed as an application for a certificate of appealability ("COA") pursuant to 28 U.S.C. § 2253(c), such COA may issue only if the applicant has made a substantial showing of the denial of a constitutional right. For the reasons stated in this Court's Order dated July 18, 2006, the Court finds that petitioner has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Accordingly, the application for a COA is **DENIED**.

**SO ORDERED**, this 17<sup>TH</sup> day of October, 2006.

S/  
WILBUR D. OWENS, JR.  
UNITED STATES DISTRICT JUDGE

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